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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP D. HURBACE et al.,

Defendants.

Case No. 2:17-cr-00110-KJD-CWH

GOVERNMENT'S MOTION TO SEAL  
SUPERSEDING INDICTMENT (ECF 8)

**Filed Under Seal**

The United States of America, by and through Steven W. Myhre, Acting United States Attorney, and Richard Anthony Lopez, Assistant United States Attorney, respectfully moves this Honorable Court for an Order sealing the Superseding Indictment filed at ECF 8 in this case.

The three defendants in this case made their initial appearances on July 12, 2017. Defendants Larry Anthony McDaniel and Sylviane Whitmore appeared before Magistrate Judge George Foley in Las Vegas, while Defendant Phillip D. Hurbace appeared before Magistrate Judge William Cobb in Reno.

1 Because the Superseding Indictment contains financial account information  
2 subject to redaction under Local Rule IC 6-1, Judge Foley ordered that the  
3 Superseding Indictment remain under seal and that the Government file a redacted,  
4 public version. (ECF 20.) On the same day, Judge Cobb ordered that the Superseding  
5 Indictment be unsealed. (ECF 26.) Pursuant to Judge Cobb's order, the Clerk has  
6 unsealed the Superseding Indictment, but has marked it private on PACER so that  
7 only the parties to this proceeding can view the document. Because the Superseding  
8 Indictment is still technically unsealed, out of an abundance of caution the  
9 Government requests an order sealing the Superseding Indictment at ECF 8.

10 Pursuant to the Court's order at ECF 20, the Government will file,  
11 contemporaneous with this motion, a redacted, public version of the Superseding  
12 Indictment that complies with the requirements of Local Rule IC 6-1.

13 DATED this 17th day of July, 2017.

14 Respectfully submitted,  
15 STEVEN W. MYHRE  
Acting United States Attorney

16 /s/ Richard Anthony Lopez  
17 RICHARD ANTHONY LOPEZ  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

-oOo-

3 UNITED STATES OF AMERICA,  
4

Plaintiff,  
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v.  
6

7 PHILLIP D. HURBACE et al.,  
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Defendants.

Case No. 2:17-cr-00110-KJD-CWH

9 ORDER

10 Based on the Government's Motion to Seal the Superseding Indictment in the  
11 above-captioned matter and good cause appearing therefore,

12 IT IS SO ORDERED that the Superseding Indictment (ECF 8) be sealed.

13 IT IS FURTHER ORDERED that by July 25, 2017, the government must show  
14 cause is writing why its motion to seal the superseding indictment (ECF No. 35)  
15 should not be unsealed. If the government does not show cause, the motion  
16 will be unsealed.

DATED: July 18, 2017

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CARL W. HOFFMAN  
UNITED STATES MAGISTRATE JUDGE  
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**CERTIFICATE OF SERVICE**

I, Richard Anthony Lopez, hereby certify that I am an employee of the United States Attorney's Office for the District of Nevada and that on this day I served an electronic copy of the above GOVERNMENT'S MOTION TO SEAL SUPERSEDING INDICTMENT (ECF 8) on Counsel of Record via electronic mail and by first class mail at the addresses below:

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*Counsel for Defendant Sylviane Della Whitmore*

Dated: July 17, 2017

/s/ Richard Anthony Lopez  
RICHARD ANTHONY LOPEZ  
Assistant United States Attorney